

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Ivan A. Lee,)	C/A No. 5:14-cv-03342-MGL-KDW
)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
)	
Joseph McFadden,)	
)	
Respondent.)	
)	

Petitioner is a state prisoner who filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 30, 2014, Respondent filed a Return and Memorandum to his Petition and Motion for Summary Judgment. ECF Nos. 24, 25. Because Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file an adequate response. ECF No. 26. Petitioner was specifically advised that if he failed to respond adequately, the Respondent's Motion may be granted, thereby ending this case against him. Later, the court granted Petitioner's Motion for an Extension of Time to file a Response and also granted Petitioner's Motion to Amend his Petition. *See* ECF Nos. 30, 32. Thereafter, Respondent filed an Amended Return and Motion for Summary Judgment on March 3, 2015. ECF Nos. 34, 35. The court entered an order pursuant to *Roseboro*, 528 F.2d. 309, again advising Petitioner of the importance of such motions and of the need for him to file an adequate response. ECF No. 36. Petitioner was specifically advised that if he failed to respond adequately, Respondent's Motion may be granted, thereby ending this case against him.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent's Motion for Summary Judgment no later than **May 11, 2015**. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice against Petitioner for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

April 13, 2015
Florence, South Carolina

A handwritten signature in black ink, appearing to read "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

Kaymani D. West
United States Magistrate Judge